

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FRESHUB, INC., a Delaware Corporation,
and FRESHUB, LTD., an Israeli Limited
Liability Company,

Plaintiffs,

vs.

AMAZON.COM INC., a Delaware
Corporation, AMAZON.COM SERVICES,
LLC, a Delaware Limited Liability Company,
PRIME NOW, LLC, a Delaware Limited
Liability Company, and WHOLE FOODS
MARKET SERVICES, INC., a Texas
Corporation,

Defendants.

Case No.: 6:21-CV-00511-ADA

PLAINTIFFS FRESHUB, INC.'S AND FRESHUB, LTD.'S NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, that Plaintiffs Freshub, Inc. and Freshub, Ltd. (collectively, “Freshub”) appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgment on infringement and damages in the above-captioned case, dated July 13, 2021 (Dkt. No. 268)¹, and also appeal all prior orders, judgments, and rulings entered in this action leading to, underlying, subsumed within, or subsequent to the Final Judgment, including but not limited to the following orders:

- The Order Regarding Motions *In Limine* (Dkt. No. 222);
- The rulings made adversely to Freshub during the pretrial conference;
- The rulings made adversely to Freshub during trial;
- The rulings made adversely to Freshub during the jury charge conference; and
- The Memorandum Opinion and Order denying Freshub’s post-judgment motions (Dkt. No. 297).

Freshub’s Notice of Appeal covers all oral and written rulings, including all related hearing transcripts, and all related oral and written arguments.

¹ The Court signed the Final Judgment on July 13, 2021, but did not formally enter this document on the docket until July 15, 2021, based on the Notice of Electronic Filing.

Respectfully submitted,

Dated: January 14, 2022

By: /s/Lisa Kobialka

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FRESHUB, INC. and FRESHUB, LTD.

CERTIFICATE OF SERVICE

The foregoing document was filed electronically on January 14, 2022, with the Clerk of Court using the Court's CM/ECF system, which will send a Notice of Electronic Filing on counsel of record for all other parties who have appeared in this action on the date of such service.

/s/ Lisa Kobialka

Lisa Kobialka